



**THE DURIRON COMPANY, INC.**  
SERVES THE PROCESS INDUSTRIES

ROBERT L. ROBERTS  
ASSOCIATE COUNSEL

US EPA RECORDS CENTER REGION 5



488613

REPLY TO BOX 8820  
DAYTON, OH 45401  
PHONE: 513/476-6139  
FAX: 513/476-8204

**CERTIFIED MAIL**  
**P850 708 994**

June 22, 1993

Kevin Turner  
Remedial Project Manager  
U.S. Environmental Protection Agency, HSRM-6J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

RE: Sanitary Landfill Company  
CERCLA 104(e) Response and FOIA Request  
File No. R5350

Dear Mr. Turner:

This correspondence is to respond on behalf of The Duriron Company, Inc. to USEPA's May 24, 1993 CERCLA 104(e) Requests for information pertaining to the Sanitary Landfill Company (aka Cardington Road Landfill in Moraine, Ohio). This Response is expressly made without any admission of responsibility or liability for the situation which exists (or may exist) at the Site.

Information Requests were sent to both "Duriron Co., Inc." and "Modern Industrial Plastics, Inc." Until 1988, Modern Industrial Plastics (MIP) was a Division of Duriron. At that time, certain assets (including the name and real estate) were sold to Riken Corporation of America. Riken currently operates MIP as a wholly-owned subsidiary at 3337 North Dixie Drive in Dayton, Ohio. As MIP operated as a Duriron Division until well after the Site was closed in 1980, Riken forwarded USEPA's Request to Duriron for response. The MIP Division of Duriron, as it was known until 1988, is included in the enclosed Response, and I would ask that the two files be consolidated with all future correspondence being directed to my attention.



Kevin Turner  
June 22, 1993  
Page 2

Duriron has performed a thorough investigation of the information in its possession, and answered each of the Questions as completely as possible given the information available. We fully understand that the Request is of an on-going nature, and will supplement it if additional information becomes available.

Pursuant to the Freedom of Information Act (FOIA), this correspondence will also serve as Duriron's formal request to USEPA for copies of any and all documents in USEPA's possession which in any way indicate that Duriron (or any of its Divisions or Subsidiaries) disposed or arranged for the disposal of any waste materials at the Sanitary Landfill Company Site located at 1855 Cardington Road in Moraine, Ohio. This request for information specifically includes complete copies of all documents used by USEPA as the basis to allege that Duriron was a customer of Industrial Waste Disposal (IWD) in 1975, and that wastes from Duriron were disposed of by IWD at the Sanitary Landfill Company Site (see USEPA Request No. 7). Also included would be any documents which would indicate that such wastes were (or included) Hazardous Substances as that term is defined in CERCLA.

After you have had an opportunity to review Duriron's Response, please contact me if you have any additional questions.

Sincerely,

Robert L. Roberts, Jr.  
Associate Counsel

Enclosure

cc: W. H. Herrnstein, III (MIP/Riken Corporation of America)  
M. D. Clark (Duriron, Pump & Foundry Divisions)  
S. C. Wilson (Duriron, WHQ)

**AFFIDAVIT**

State of Ohio . . . . . )

) ss.

County of Montgomery . . . . . )

Robert L. Roberts, Jr., being first duly affirmed, deposes and says that:

In my capacity as Associate Counsel for The Duriron Company, Inc., I am the Company representative responsible for responding on behalf of the Company to information requests pursuant to Section 104(e) of CERCLA.

In that capacity, I have conducted a diligent search appropriate to the situation of Duriron's records and employees, and have accurately presented the results of that search in the enclosed responses.

Further Affiant sayeth naught.

Robert L. Roberts, Jr.

Affirmed before me and subscribed in my presence this 15<sup>th</sup> day of

June, 1993.

Terril L. Kerney

TERRI L. KERNEY, Notary Public  
In and for the State of Ohio  
My Commission Expires Oct. 31, 1993

(SEAL)

**RESPONSE TO USEPA CERCLA 104(e) REQUEST  
SANTARY LANDFILL COMPANY**

**Request 1:** Identify all persons consulted in the preparation of the Answers to these Information Requests.

**Response:** Paul W. Casper, Esq.  
Frost & Jacobs  
2500 PNC Center  
P.O. Box 5715  
201 East Fifth Street  
Cincinnati, Ohio 45202-4182

Mr. M. Dale Clark  
Environmental Safety and Health Supervisor  
The Duriron Company, Inc.  
P.O. Box 1145  
Dayton, Ohio 45401-1145

Mr. Joseph R. Pizzino  
Foundry Division Purchasing Manager  
The Duriron Company, Inc.  
P.O. Box 1813  
Dayton, Ohio 45401-1813

Mr. William H. Herrnstein, III  
President  
Modern Industrial Plastics, Inc.  
3337 North Dixie Drive  
Dayton, Ohio 45414-5697

Mr. Stephen C. Wilson  
Director of Safety, Health and Environmental Affairs  
The Duriron Company, Inc.  
P.O. Box 8820  
Dayton, Ohio 45401-8820

**Request 2:** Identify all documents consulted, examined, or referred to in the preparation of the answers to these requests and provide copies of all such documents.

**Response:** No documents were found which were responsive to USEPA's Requests.

CERCLA 104(e) RESPONSE

Page 2

**Request 3:** If you have reason to believe that there may be persons able to provide a more detailed or complete response to any information request or who may be able to provide additional responsive documents, identify such persons.

**Response:** Duriron has no reason to believe that any such persons exist. However, it was suggested by Mr. Herrnstein that as the Plant Manager of MIP in 1975, Mr. F. Paul Walter could possibly have some recollection of the matters at issue. Although we seriously doubt that this is the case, we were unable to contact Mr. Walter, who has since retired. Mr. Walter's last known address is as follows:

Mr. F. Paul Walter

Centerville, Ohio 45459

*1 line Ex. 6. personal privacy*

*1 line - Ex. 6. personal privacy*

**Request 4:** List the EPA Identification Numbers of the Respondent.

**Response:** Duriron Pump and Foundry Divisions - OHD 004 241 550  
Duriron's Research & Technology (R & T) Facility - OHD 023 858 202  
Duriron's Corrosion Resisting Plastics (CRP) Facility - OHD 000 817 197  
MIP (no longer a Duriron Division) - OHD 004 241 436

**Request 5:** Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

**Response:** Duriron has no knowledge or information pertaining to any such persons.

**Request 6:** Identify all persons who have or may have knowledge or information about the generation, transportation, or disposal of hazardous substances by you, your contractors, or by prior owners and/operators at the Site.

**Response:** Duriron has no knowledge or information pertaining to any such persons.

**Request 7:** Did you ever dispose, transport for disposal, or arrange for the transportation for disposal of any hazardous substances or other materials at the Site? U.S. EPA is in possession of information showing that Respondent was a customer of Industrial Waste Disposal, Inc. ("IWD"), and that disposal transactions were conducted with IWD on the following dates: 2/24/75, 3/3/75, 3/22/75, 7/21/75, 8/16/75, 11/18/75, 11/26/75, 4/28/75, 10/30/75, 11/8/75, 11/6/75,

**CERCLA 104(e) RESPONSE**

Page 3

6/20/75, 10/4/75, 10/11/75, 10/17/75, 10/6/75, 9/20/75, 10/27/75, 12/19/75, 7/30/75, 10/22/75, 10/23/75, 7/25/75, 9/20/75, 12/2/75, 3/5/75, 4/14/75, 9/8/75, 10/7/75, 11/14/75. (MIP = 9/5/75, 9/10/75, 11/24/75, 12/4/75.)

U.S. EPA's information indicates that IWD disposed of Respondent's waste at the Site. For each of these transactions, and any other transactions which are responsive to this request, please provide the following:

- a) The name, chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance, and the process for which the hazardous substance or material was used or the process which generated the hazardous substance or material;
- b) Each date when such hazardous substances or other materials were disposed or transported for disposal by you, your contractors, or by any other person;
- c) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions);
- d) All tests or analyses and analytical results concerning each hazardous substance or material;
- e) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

**Response:** To the best of our knowledge, Duriron did not dispose, transport for disposal or arrange for the transportation for disposal of any hazardous substances or other materials at the Site. Although USEPA states that it is in possession of information showing that Duriron was a customer of Industrial Waste Disposal, Inc. (IWD), and that during 1975 IWD took certain of Duriron's wastes to the Site, no such information and/or documentation was provided nor has Duriron been able to locate any documents in its own files reflecting any dealings with IWD or Sanitary Landfill Company in 1975. Duriron reserves the right to supplement this Response as necessary once USEPA provides copies of such information and/or documentation.

**Request 8:** Identify all persons, including yourself, who may have arranged for disposal or arranged for transportation for disposal of waste materials, including hazardous substances, to the Site. In addition, identify the following:

**CERCLA 104(e) RESPONSE**

**Page 4**

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported and disposed;
- d) The amount paid in connection with each transaction;
- e) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- f) The measures taken by you to determine the actual methods, means, and site of disposal of the waste material and hazardous substances involved in each transaction;
- g) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers.

**Response:** Duriron has no knowledge or information pertaining to any such persons.